

## **REMARKS**

Claims 1-21 are pending in the application. Claims 1, 11, and 21 have been amended to correct informalities therein. Favorable reconsideration of the application, as amended, is respectfully requested.

### ***I. AMENDMENTS IN THE SPECIFICATION***

The Specification is objected to because the section title of CROSS REFERENCE TO RELATED APPLICATION is not included for describing foreign priority and incorporated cross reference. Applicant has amended the Specification so as to include said section title. Withdrawal of the objection is respectfully requested.

The paragraph appearing at page 24, lines 4-18 in the specification has also been amended to correct typographical errors therein. Entry of said amendment is respectfully requested.

### ***II. AMENDMENTS IN THE ABSTRACT***

The Abstract is objected to because it contains the word "invention." Applicant has amended the Abstract so as to delete the word "invention" therefrom. Withdrawal of the objection is respectfully requested.

### ***III. CLAIM OBJECTIONS***

Claims 1, 11, and 21 are objected to due to informalities contained therein. Specifically, the Examiner contends that the phrase "reading and writing data from/on a storage medium" is not clear. In accordance with the interpretation of the Examiner, Applicant has amended claims 1, 11, and 21 so as to recite "reading data from and writing data ~~from~~/on a storage medium." Withdrawal of the objection is respectfully requested.

**IV. CLAIM NON-REJECTIONS UNDER 35 USC §101**

Applicant acknowledges, with appreciation, the acknowledgement by the Examiner that claims 1-21 are of statutory subject matter under 35 USC §101.

**V. REJECTION OF CLAIMS 1-21 UNDER 35 USC §102(e)**

Claims 1-21 stand rejected under 35 USC §102(e) as anticipated by Kato et al. (US Patent Application Publication 2002/0150383). Applicant respectfully traverses the rejection.

**i. Introduction**

Claim 11 recites, *inter alia*, that a storage medium has stored thereon a first data stream being represented by a video signal that has been encoded by a first encoding process. A second data stream is also generated by encoding the video signal by a second encoding process, which is different from the first encoding process. Independent claims 1 and 21 recite similar features.

In the context of the present invention, the “different encoding processes” refer to video data encoded at different data rates. (See page 24, lines 8-11 of the present specification.) For example, the first data stream may be a video signal that has been encoded at a low data-rate, and the second data stream may be a video signal that has been encoded at a high data-rate.

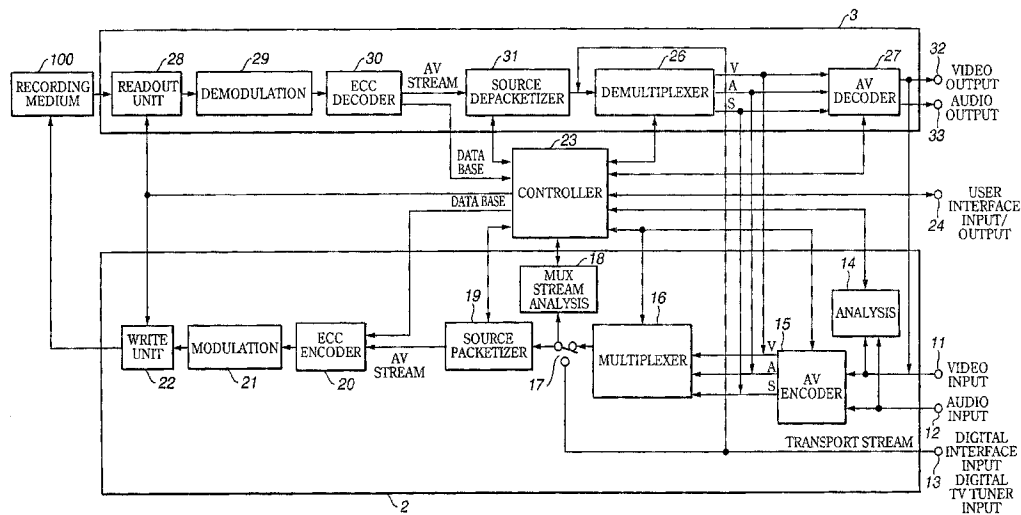
By using the second data stream (e.g., high data-rate stream) and first playlist information used to manage playback of the first data stream (e.g., low data-rate stream), a second playlist information is produced that is used to manage an order in which the second data stream is played back.

The generation of two playlists alleviates the burden on the user of having to generate playlist information for each of the first data stream and the second data stream, as a separate playlist is required for each data stream even if the same video

was stored as multiple moving picture streams with different data rates. (See page 5, lines 3-8 of the present specification.)

**ii. Kato et al. does not teach the generation of a second data stream by encoding the video signal by a second encoding process, which is different from the first encoding process, as recited in claim 11**

Kato et al. is directed to an apparatus and method for recording a single AV stream to a recording medium, and for managing the playback of said recorded AV stream via a database file generated from the single AV stream. Figure 1 of Kato et al., reproduced below, illustrates the recording/reproducing apparatus.



**FIG.1**

An AV data stream is input (via video input 11 and audio input 12), encoded (via AV encoder 15), and multiplexed (via the multiplexer 16). The multiplexed stream is then packetized (via a packetizer 19) and ultimately written to the recording medium 100. More specifically, the packetizer 19 encodes the input multiplexed stream into an AV data stream composed of source packets in accordance with an application format of the recording medium 100 on which the stream is ultimately written. (Kato et al., [0141].) Hence, the packetizer 19 is performing a process on the AV data stream so as to record it in a compliant format on the recording medium 100.

Kato et al. further teaches that a user may control the playback of the AV data stream by the use of an information database file. Specifically, the multiplexed stream is also sent from the multiplexer 16 to a controller 23 that creates application database information based on information input by the user via a user interface 24 (e.g., information specifying the playback domain, bookmarks, resuming points, etc.) in relation to the AV signals. (Kato et al., [0151-0152].) This application database information is recorded as a file on the recording medium. Subsequently, to initiate reproduction of the recorded AV data, the controller 23 first retrieves the application database information file and uses it in conjunction with the user interface 24 for purposes of allowing the user to control the playback of the recorded AV data (ex., initiate random access playback or special playback). (Kato et al., [0154-0155].)

Kato et al. does not teach or disclose the generation of a second data stream by encoding a video signal by a second encoding process, which is different from the first encoding process, as recited in claim 11. Rather, as described above, Kato et al. discloses that the multiplexed stream (19) is packetized so as to comply with the format of the recording medium 100. While the packetizer 19 does perform a packetizing process on the AV data stream previously output by the AV encoder, packetizer 19 does not perform an encoding process within the meaning of the term as defined by the specification so as to change the encoding data rates of the video signal. Hence, Kato et al. only teaches a first data stream that has been encoded by a first encoding process.

Furthermore, it is noted that to the extent that the data stream output by the packetizer 19 is considered to be a second data stream, Kato et al. fails to teach that the data stream output by the AV encoder 15 (i.e., first data stream) is stored on the storage medium 100, as recited in the claim 11. The AV data stream output by the AV encoder (i.e., the first data stream) of Kato et al. is converted by the packetizer 19 and is not stored. That is, only the AV data stream output by the packetizer 19 (i.e., the second data stream) is stored on the recording medium 100.

Accordingly, Applicant respectfully submits that Kato et al. fails to teach or suggest all of the features of claim 11 and corresponding independent claims 1 and 21.

**iii. Kato et al. does not teach the production of second playlist information, as recited in claim 11**

Because Kato et al. fails to teach the claimed second data stream encoded by the second encoding process, Kato et al. fails to teach the production of second playlist information, which is based in part on the second data stream.

That is, the application database information file (i.e., the first playlist information) is generated solely from the multiplexed stream (i.e., the first data stream), and it is this file that is used to manage the order in which the stream recorded on the recording medium is played back. Because there is no second data stream, there is simply no need for a second playlist information.

Accordingly, Applicant respectfully submits that Kato et al. fails to teach or suggest all of the features of claim 11 and corresponding independent claims 1 and 21.

For at least the above reasons, Applicant respectfully submits that Kato et al. does not teach or suggest each and every feature of the invention as recited in independent claims 1, 11, and 21, or the claims dependent therefrom. Applicant respectfully requests that the rejection be withdrawn.

**VI. CONCLUSION**

Accordingly, all claims 1-21 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

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